

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHNNY B. DELASHAW, JR.,

CASE NO. C18-0537JLR

Plaintiff,

V.

SEATTLE TIMES COMPANY, et al.,

ORDER REGARDING
PROVISIONALLY SEALED
SUMMARY JUDGMENT ORDER

Defendants.

Before the court is the joint statement of Plaintiff Johnny B. Delashaw, Jr., Defendant Seattle Times Company (“the Times”), Defendant Charles Cobbs, and interested party Swedish Health Services (“Swedish”) regarding proposed redactions to the court’s provisionally sealed order on summary judgment. (*See* Joint Statement (Dkt. # 294); 11/18/20 Order (Dkt. # 285 (sealed))). The parties do not agree on the extent to which the court’s summary judgment order should be redacted. (*See* Joint Statement at 4-20.) Swedish seeks to redact nine excerpts from the court’s order. (*See id.*) The Times

1 opposes each of those proposed redactions, and Dr. Cobbs joins each of the Times'
2 objections. (*See id.*) Depending on the proposed redaction, Dr. Delashaw either "defers
3 to Swedish's position" or "takes no position." (*See id.*)

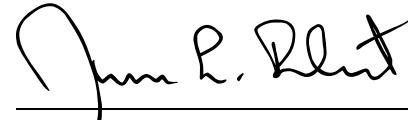
4 Seven of Swedish's nine proposed redactions involve documents the court has
5 already determined should remain under seal and many were redacted in the court's
6 previous order on summary judgment. (*See id.* (proposed redactions 1-6, 9); *see also*
7 6/25/20 Joint Statement (Dkt. # 180) (proposing redactions to the court's prior order on
8 summary judgment); 7/14/20 Order (Dkt. # 206) (allowing redactions to excerpts of the
9 exhibits referenced in proposed redactions 1-6).) The court concludes that these seven
10 proposed redactions are in accordance with this court's prior sealing orders because they
11 apply to excerpts of sealed exhibits or the court's discussion of those sealed exhibits.
12 (*See* Joint Statement at 4-20.) In contrast, the objections from the Times and Dr. Cobbs
13 seek a second, or even third, bite at the sealing apple. (*See id.*; *see also* 7/14/20 Order at
14 2.) Thus, the court rejects those objections and accepts proposed redactions 1-6 and 9.

15 Two of Swedish's proposed redactions involve excerpts of deposition testimony
16 that Swedish did not mark as confidential and were included in documents filed in open
17 court several months ago. (*See* Joint Statement at 14-18 (proposed redactions 7 & 8); *see*
18 *also* Dkt. ## 108, 193, 196-3, 196-5 (unsealed documents containing the excerpts and
19 quotations).) As such, the court does not find it proper to redact these statements and
20 rejects proposed redactions 7 and 8.

21 The court has recently filed an amended version of its order on summary
22 judgment. (*See* 12/11/20 Order (Dkt. # 298) (sealed).) This order does not amend any

1 language covered by the proposed redactions. (*See generally id.*; Joint Statement.) Thus,
2 the court DIRECTS parties to file a version of the amended order (Dkt. # 298) that
3 includes the court's accepted redactions within seven days of the filing of this order.

4 Dated this 15th day of December, 2020.

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7 JAMES L. ROBART
8 United States District Judge
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